# 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Working paper based on the European Union Statement for Main Committee I

**Submitted by Luxembourg on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Croatia and Turkey, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro, as well as Norway, member of the European Economic Area**

1. The NPT is an irreplaceable multilateral instrument for maintaining and reinforcing international peace, security and stability. It is of crucial importance that all States Parties fully comply with it. The EU is committed to preserving the integrity of the Treaty. This commitment is enshrined in its Strategy against the Proliferation of Weapons of Mass Destruction, approved by the Heads of State or Government in December 2003, and in the Common Position on the universalization and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery, adopted by the EU Council in November 2003. Integral to this strategy is our conviction that a multilateral approach to international security, including disarmament and non-proliferation, is the best way of maintaining international order. These principles determine the attitude to be taken by the European Union at this important 2005 NPT Review Conference.

2. The EU continues to regard the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the global non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament under Article VI of that Treaty and an important element in the further development of the applications of nuclear energy for peaceful purposes. On the occasion of this Conference, the EU reaffirms its support for the decisions and the resolution adopted at the 1995 Review and Extension Conference and for the Final Document of the Review Conference held in 2000 and bearing in mind the current situation. We look forward to examining all the relevant issues during this Conference.

3. The EU welcomes the accession to the NPT in 2002 and 2003 respectively of Cuba and Timor-Leste. Cuba's accession to the NPT and to the Tlatelolco Treaty

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completed the establishment of the nuclear-weapon-free zone in Latin America and the Caribbean.

4. The NPT is one of the most important legally binding multilateral instruments for maintaining and reinforcing international peace, security and stability; all the States parties are extremely committed to it. Nothing should be undertaken that could endanger the integrity of the Treaty and undermine the essential equilibrium contained in it, for the sake of our common good: peace, security and stability.

5. The EU welcomes the end of the arms race between the USSR and the United States since the end of the Cold War. Major reductions in strategic and non-strategic nuclear arsenals and their means of delivery have taken place since then and the EU looks forward to further systematic and progressive efforts towards nuclear disarmament.

6. The EU welcomes the Moscow Treaty which entered into force on 1 June 2003. Under this Treaty the United States and the Russian Federation will reduce their operationally deployed strategic nuclear warheads to between 1,700 and 2,200 by 31 December 2012. This is an important step in the context of international security and a contribution to the efforts of the international community in the field of nuclear disarmament and non-proliferation. In this context, the principles of irreversibility, transparency and verifiability remain important. The EU expects further reductions in the Russian and American arsenals.

7. The EU also welcomes the fact that many facilities for the production of nuclear materials for nuclear weapons have been shut down or dismantled. Four of the five nuclear-weapon States are observing moratoria on the production of these fissile materials. The EU calls on China to join the other nuclear-weapon States in declaring a moratorium on the production of fissile materials for nuclear weapons or other nuclear explosive devices and to abstain from any increase in its nuclear arsenal.

8. The EU recognizes the importance, from the point of view of nuclear disarmament, of the programmes for the destruction and elimination of nuclear weapons and the elimination of fissile material exceeding defence requirements under the G8 Global Partnership.

9. The issue of non-strategic nuclear weapons was included in the Final Document of the 2000 Review Conference. Reductions in these weapons are an integral part of the nuclear arms control and disarmament process. We look forward to the fulfilment of the United States and Russian 1991-1992 Presidential declarations on unilateral reductions in their stocks of tactical nuclear weapons, as well as of the commitments made by relevant States at the 2000 Review Conference. We encourage all States concerned to start negotiations on an effectively verifiable agreement to best achieve the greatest possible reductions in these weapons.

10. We underline the importance of international cooperation for the elimination of weapons of mass destruction. The EU and its Member States fully support the G8 Global Partnership, to which they make a major contribution; the Partnership works effectively towards disarmament and non-proliferation of weapons of mass destruction and their means of delivery. The comprehensive set of non-proliferation principles set out at the G8 Kananaskis Summit in 2002 constitute the criteria to be adopted and implemented to allow genuine international cooperation in the field of the elimination of weapons of mass destruction and their means of delivery. The

European Union is committed to continuing its cooperation programmes for non-proliferation and disarmament. We consider that cooperative threat reduction is an effective tool of nuclear disarmament and non-proliferation. The EU envisages expanding its programmes in this area.

11. The EU Member States attach the utmost importance to achieving the universality of, and universal compliance with, the NPT. This is part of the Union's strategy. The EU regrets that there are three countries, India, Israel and Pakistan, still outside the Treaty. In accordance with the EU Common Position on the universalization and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery, adopted in November 2003, we continue to call on them to accede unconditionally to the NPT as non-nuclear-weapon States.

12. The nuclear arsenal of those States which are not parties to the Treaty is a serious topic of concern, with regard to Article VI of the Treaty. Further to the report of the United Nations High-Level Panel, the EU calls on those States which are not parties to the NPT to commit themselves to non-proliferation and disarmament, to ratify the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and to give their support to negotiations for a Fissile Material Cut-off Treaty (FMCT).

13. The EU continues to monitor the situation in South Asia. We note the declared moratoria by India and Pakistan on nuclear testing and their willingness to participate in the negotiation of a Treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. We call on those States to take and apply all necessary measures towards fulfilling their aforementioned promises. We further note with appreciation the inclusion of nuclear confidence-building measures as part of the announced composite dialogue between India and Pakistan. The EU calls on India and Pakistan to declare moratoria on the production of fissile material of weapons quality and to sign and ratify the CTBT, which would be a vitally important confidence-building measure.

14. In terms of security, not only has the risk of regional conflicts increased but the threat of the proliferation of weapons of mass destruction and their means of delivery has become more pronounced. In this context the EU is deeply concerned that some non-nuclear-weapon States Parties to the Treaty do not always comply with their obligations regarding non-proliferation.

15. The fact that 106 States Parties have not put into force an Additional Protocol constitutes a major non-proliferation deficit; where an Additional Protocol is implemented in a country, this unequivocally permits the IAEA to give credible assurances that it has no undeclared nuclear activities.

16. As recommended by the United Nations High-Level Panel Report on Threats, Challenges and Change, the Board of Governors of the International Atomic Energy Agency (IAEA) should recognize the Comprehensive Safeguards Agreements and the Additional Protocols as today's standard for IAEA safeguards.

17. As recommended by the United Nations High-Level Panel, the EU urges the States concerned to take practical measures to reduce the risk of accidental nuclear war.

18. The EU encourages all States to participate in the Proliferation Security Initiative (PSI) and welcomes the fact that the United Nations High-Level Panel also

refers to this Initiative in its recommendations. The EU also invites all States to join the Global Threat Reduction Initiative (GTRI). The G8 Global Partnership Initiative and the efforts to strengthen the Convention on the Physical Protection of Nuclear Material should be welcomed.

19. The EU remains committed to the implementation of the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference. We call upon all States in the region that have not yet done so to accede to the biological and chemical weapons conventions and to the NPT. The EU calls upon the States of the region to undertake to establish a zone free from weapons of mass destruction and all missiles for their delivery, as referred to in United Nations Security Council resolution 687 with an effective verification system. In view of recent revelations it is essential that, in pursuing this goal, the States of the region strictly abide by the commitments they have entered into. We believe that the conclusion by all States in the region of Comprehensive Safeguards Agreements with the IAEA and Additional Protocols should be a priority for the international community as a whole and would represent a crucial contribution to an overall improvement in security and confidence in the Middle East.

20. The EU strongly condemns the DPRK's announcement of 10 February that it has produced and now possesses nuclear weapons, and strongly urges the DPRK to completely dismantle any nuclear weapons programme in a prompt, transparent, verifiable and irreversible manner.

21. The EU would like to reiterate its strong support for dialogue in the framework of the Six Party Talks and trusts that the Six Party Talks will resume without further delay and without pre-condition.

22. North Korea's announcement of its intention to withdraw from the Treaty has posed an unprecedented challenge; it has provoked a debate on the implementation of Article X of the Treaty, which has been echoed by the United Nations High-Level Panel and the Director-General of the IAEA. The EU feels that the withdrawal issue should be given serious consideration by the Review Conference. It will be making specific proposals during the Conference.

23. The EU regrets the ongoing stalemate in the Conference on Disarmament and is convinced that the new threats to peace and security require that this standstill be overcome as soon as possible. The EU is committed to reaching a consensus on a programme of work in the CD and welcomes the fact that new ideas have been put forward over the last few years. We appreciate these efforts aimed at promoting consensus for a programme of work. In the context of the NPT, recommencement of substantive work within the CD is particularly significant in relation to the negotiations on a treaty banning the production of fissile materials for nuclear weapons.

24. The EU calls on the Conference of Disarmament for the immediate commencement and early conclusion of a non-discriminatory, universally applicable Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, without pre-conditions, and bearing in mind the special coordinator's report and the mandate included therein. Pending entry into force of the said Treaty, the EU calls on all States to declare and uphold a moratorium on the production of fissile material for nuclear weapons or other nuclear explosive

devices. The EU welcomes the action of those of the five nuclear-weapon States which have declared the relevant moratorium.

25. Some 175 States have now signed Comprehensive Nuclear-Test-Ban Treaty, of which 120 have ratified. The EU reiterates that it attaches the utmost importance to the entry into force of the CTBT at the earliest possible date. We call upon all States who have not done so, and in particular those States named in Annex II to the Treaty, whose ratification is required for entry into force, to sign and ratify the Treaty without delay and without conditions. In this context we welcome the recent ratification by Algeria and the Democratic Republic of the Congo of the CTBT which brings us closer to both universalization and entry into force. Pending the entry into force of the CTBT, the EU urges all States to abide by a moratorium and to refrain from any actions which are contrary to the obligations and provisions of the CTBT. The EU is actively involved in promoting universal adherence to the CTBT and participated actively in the Conference on Facilitating the Entry into Force of the CTBT held in Vienna on September 2003. We take this opportunity to commend the work of the Provisional Technical Secretariat of the CTBTO (Comprehensive Nuclear-Test-Ban Treaty Organization) under the direction of Mr. Wolfgang Hoffmann and to welcome the appointment of Mr. Tibor Toth to the post of Executive Secretary of the CTBTO Preparatory Commission.

26. The EU stresses the need for general disarmament.

27. The EU recognizes the continuing high value of the existing legally binding security assurances, provided through the Protocols to the Treaties establishing nuclear-weapons-free zones and the unilateral declarations, given by nuclear-weapons States to the non-nuclear-weapons States Parties to the NPT on the use or threat of use of nuclear weapons and noted by United Nations Security Council resolution 984 (1995) and reaffirmed at the 2000 Review Conference. The EU Strategy on Weapons of Mass Destruction indicates that positive and negative security assurances can play an important role in the NPT regime. They can serve both as an incentive to forego the acquisition of WMD and as a deterrent. In our WMD Strategy we are committed to promoting further consideration of security assurances

28. In order to help reach a consensus at our Review Conference, the Council of the European Union has adopted a Common Position on the 2005 NPT Review Conference. The EU Council identified a number of issues which we consider fundamental, covering the NPT's three pillars non-proliferation, disarmament and use of nuclear energy for peaceful purposes. Where these issues are disarmament-related you will find them in the printed version of my declaration; I shall not list them orally:

- undertaking efforts to preserve the integrity of the NPT and strengthen its implementation;
- recognizing that the NPT is a unique and irreplaceable multilateral instrument for maintaining and reinforcing international peace, security and stability, in that it establishes a legal framework for preventing increased proliferation of nuclear weapons and for developing further a verification system guaranteeing that non-nuclear-weapons States use nuclear energy solely for peaceful purposes, and that it represents the essential foundation for the pursuit of nuclear disarmament in accordance with Article VI thereof;

- working towards universal accession to the NPT;
- stressing the absolute necessity of full compliance with all the provisions of the NPT by all States Parties;
- calling on all States not party to the NPT to pledge commitments to non-proliferation and disarmament and calling on those States to become States Parties to the NPT as non-nuclear weapon States;
- calling on all States in the region to make the Middle East into an effectively verifiable zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, in keeping with the Resolution on the Middle East adopted at the 1995 Review and Extension Conference;
- since security in Europe is linked to security in the Mediterranean, giving top priority to implementation of the nuclear non-proliferation regime in that region;
- acknowledging the importance of nuclear-weapon-free zones for peace and security, on the basis of arrangements freely entered into between the States of the region concerned;
- stressing, while acknowledging the nuclear arms reductions which have taken place since the end of the cold war, the need for an overall reduction in nuclear arsenals in the pursuit of gradual, systematic nuclear disarmament under Article VI of the NPT and welcoming, in this context, the ratification of the Moscow Treaty by the Russian Federation and the United States of America in 2003, while stressing the need for more progress in reducing their arsenals;
- stressing the need to implement the declarations made by the Presidents of Russia and America in 1991 and 1992 on unilateral reductions in their stocks of non-strategic nuclear weapons and calling on all States with non-strategic nuclear weapons to include them in their general arms control and disarmament processes, with a view to their reduction and elimination;
- recognizing application of the principle of irreversibility to guide all measures in the field of nuclear disarmament and arms control, as a contribution to the maintenance and reinforcement of international peace, security and stability, taking these conditions into account;
- recognizing the importance, from the point of view of nuclear disarmament, of the programmes for the destruction and elimination of nuclear weapons and the elimination of fissile material as defined under the G8 World Partnership;
- pursuing efforts to secure transparency, as a voluntary confidence-building measure to support further progress in disarmament;
- since the Comprehensive Nuclear-Test-Ban Treaty (CTBT) forms an essential part of the nuclear disarmament and non-proliferation regime and with a view to its entry into force as soon as possible, without conditions, calling on States, particularly those listed in Annex II, to sign and ratify the said Treaty without delay and without conditions and, pending the entry into force of the said Treaty, calling on all States to abide by a moratorium and to refrain from any action contrary to the obligations and provisions of the said Treaty. Highlighting the importance of the work of the CTBT Organization Preparatory Commission and actively supporting the work of the Special

Representative of the States which have ratified the Treaty charged with promoting universal accession to the Treaty;

- appealing again to the Conference on Disarmament for the immediate commencement and early conclusion of a non-discriminatory, universally applicable Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, without preconditions, and bearing in mind the special coordinator's report and the mandate included therein and, pending entry into force of the said Treaty, calling on all States to declare and uphold a moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices. The EU welcomes the action of those of the five nuclear-weapon States which have decreed the relevant moratorium;
- calling on all States concerned to take appropriate practical measures in order to reduce the risk of accidental nuclear war;
- pursuing consideration of the issue of security assurances to the non-nuclear-weapon States Parties to the NPT;
- calling on nuclear-weapon States to reaffirm existing security assurances noted by the United Nations Security Council in resolution 984 (1995) and to sign and ratify the relevant protocols on nuclear-weapon-free zones, drawn up following the requisite consultations, recognizing that Treaty-based security assurances are available to such zones;
- stressing the need for general disarmament;
- highlighting the importance of universal accession and implementation of the Biological and Toxin Weapons Convention (BTWC), the Chemical Weapons Convention (CWC) and the conventions, measures and initiatives contributing to conventional arms control;
- calling for universal accession to and effective implementation of the Hague Code of Conduct against Ballistic Missile Proliferation;
- working for the resolution of the problems of regional instability and insecurity and of the conflict situations which are often at the root of armament programmes.

29. In conclusion, the EU is convinced that, by affording all States a framework of security and safety, the NPT decisively furthers the cause of peace. If this security framework is to survive in the coming decades, all States Parties to the Treaty must comply with their obligations.